IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7626 OF 2003

Union of India through
General Manager, South Central Railway. ...Petitioners.
Vs.
Dattatraya s/o. Nivarti Jabhade & Ors. ...Respondents.
....
Mr. Suresh Kumar with Ms.Seema Chhetri for the Petitioner.
.....
CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 3, 2006.

P.C. :

Rule. Respondent Nos.1 to 4 though served are absent. The petition is taken up for hearing and final disposal.

2. The point arises which for our consideration is whether the Consumer Forum, Latur, has jurisdiction to entertain and decide a matter covered by the Railway Claims Tribunal Act, 1987? We have answered this question in our judgment rendered in the case of **Union of India, through the General Manager, South Central Railway, Secunderabad vs. Ashok Shankar Sarkale & Others** (Writ Petition No.7597 of 2003, decided on 20th March 2006). It may be stated that the said Writ Petition challenged the

legality and validity of the common order dated 30th September 2003, passed by the District Consumer Disputes Redressal Forum, Latur, in L. D. F. Nos.31 and 32 of 2003. The Union of India challenged the order passed in LDF No.32 of 2003 in that petition. The present Writ Petition is directed against the order passed in LDF No.31 of 2003 arising out of the said common judgment dated 30th September 2003. In that view of the matter, this petition can also be disposed of on the same reasons recorded by us in our order dated 20th March 2006 since law and facts are common in both the petitions. In view of this, we pass the following order :

-(i) The Respondents are entitled to claim Rs.4 lakhs towards the compensation over and above the interest accrued on the amount of Rs.1,75,000/- already deposited in pursuance of the order of this Court;

-(ii) The Petitioners are permitted to encash Rs.1,75,000/- deposited by way of F.D.R. together with accrued interest. The Petitioners are also entitled to withdraw Rs.25,000/- deposited with the District Forum at Latur. This amount as well as the additional amount of Rs.2 lakhs shall be paid by the Petitioners to the

Respondents as under :

-(a) Each of the four Respondents shall be entitled to receive 1/4th of the aforesaid amount.

-(b) The Petitioners shall invest the share of Respondent Nos.3 and 4 in the fixed deposit of any Nationalised Bank close to the residence of Respondent Nos.3 and 4 in the name of Respondent Nos.3 and 4 for such suitable periods till they attain the age of majority. The accrued interest on such FDR shall be paid to the natural guardian of Respondent Nos.3 and 4.

-(iii) The Petitioners shall undertake to complete the aforesaid exercise within eight weeks from today and shall file a compliance report before the Registrar (Judicial) of this Court. The Registrar (Judicial) shall be at liberty to file a report before this Court for non-compliance of the aforesaid directions.

3. The order of the District Forum impugned herein is set aside. The petition is accordingly disposed of.

4. The Registry is directed to communicate this order to the Respondents.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.